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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,811	01/30/2001	Hideki Kanemoto	L9289.01104	4612
7590 12/29/2004			EXAMINER	
Stevens Davis Miller & Mosher Suite 850 1615 L Street NW Washington, DC 20036			LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/744,811	Applicant(s) KANEMOTO ET AL.	
	Examiner Andrew C Lee	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/31/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 - 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 - 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>15 Sep 2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 6, the referenced elements as disclosed "data" and "control" for packet 501. The specification should describe two type of packets, namely data packet and control packet since they are two different type of traffic. The diagram also fails to indicate clearly transmission unit 502 is data or control transmission unit and its correlation with plots of the power control for data channel or for control channel. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms/sentences which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms/sentences used in the specification are: page 6, lines 26 –27 and page 7, lines 1 – 3, The examiner quoted "Based on this detection result, determining section 104 determines whether to increase, maintain or decrease transmit power, and outputs transmit power instruction information to modulation section 108". On the other hand, on page 8, lines 7 – 13, the examiner quoted "Transmit power instruction information extracted in transmit power information extracting section 106 is input to counter 1071 in transmit power control section 107. According to the transmit power instruction information, transmit power control section 107 instructs radio transmission section 109 to increase or decrease transmit power". It is not clear and indicated concisely in the disclosure how these two "transmit power instruction information (from determining section 104 and transmit power control section 107, Fig. 2)" are correlated and function together. The same scenario is indicated in Fig. 5, it is not clear and indicated concisely in the disclosure how these two "transmit power instruction information (from determining section 104 and transmit power control section 401, Fig. 5)" are correlated and function together

3. The abstract of the disclosure is objected to because the transmit power information extracting section 106 is mentioned, but the determining section 104 is neglected since determining section 104 determines whether to increase, maintain or decrease transmit power, and output transmit power instruction information to modulation section 108. The correlation and function between power control section 107 (in Fig. 2) or 401 (in Fig. 5) and determining section 104 should also be included and described briefly. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities:
- Fig. 1 (1/7), for the power vs time graph, the X-axis should be labeled as power control (transmitting station). The legends "eq", "up" should line up with the power control increment steps (short horizontal lines). Since there are 6 steps for the power control of the transmitting station, the legends - eq, up, up, up, up, up - should line up with the horizontal lines. The legend "up" under the dotted line should be lined up to the left for the packet 1 or the last transmission unit 2. It is assumed that the packet 2 is to the right of the dotted line, there are three transmission units indicated, the power control steps (transmitting station) should be eq, eq, eq. The crossed out eq (eq) should stay.
 - Fig. 3 (3/7), the examiner assumed that to the left of the vertical dotted line is packet 1 with six transmission units (202 indicates the last unit of the packet) and to the right of the dotted line is the next packet with four units as

disclosed. The legends (up, up, up, up, up, eq) for packet 1 should be lined up with the six horizontal short lines. The legends (eq, eq, down, down) for next packet should also be lined up with the four short lines. The X-axis should also be labeled as Power control (transmitting station).

- Fig. 6 (6/7), the examiner would request the Applicant to provide clarification on the transmission units. Are these transmission units interleaving the data and control transmission units alternatively? How are these transmission units as disclosed in the Figure correlated with power control of data channel and control channel, respectively.
- Page 12, lines 13 – 14, the sequences of events executed is not corrected according to Fig. 4.
- Page 16, lines 20 – 21, the referenced term (four times in Fig.6) is ambiguous.
- Page 21, line 8, the term “next pocket” is typo. It should be corrected as “next packet”.

Appropriate correction is required.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 11, 13 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (U.S. Patent No. 6831910 B1).

Regarding Claims 11, 15, Moon et al. discloses the limitation of a packet communication apparatus (column 1, lines 25 – 29) comprising: a transmitter that transmits a plurality of transmission units (Fig. 1, column 1, lines 43 – 45; Fig. 5A), constituting a packet signal (Fig. 5A, column 7, lines 49 – 51), in order; a determiner that makes a determination as to whether or not a quality of a transmitting packet signal has deteriorated below a predetermined quality level (column 19, lines 19 – 22), at a communication end, based on transmit power control information received from said communication end (column 19, lines 9 – 13); and a controller that: in response to a determination by the determiner that the quality of the transmitting packet signal is deteriorated below the predetermined quality level (column 16, lines 46 – 47), halts transmit power control on those among the transmission units constituting the transmitting packet signal that are transmitted after the determination (column 19, lines 31 – 36); and based on the transmit power control information on the transmission units

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constituting the transmitting packet signal, said information received after the determination (column 19, lines 44 - 50), performs transmit power control on a beginning transmission unit of a next transmitted packet signal (column 19, lines 52 - 57).

Regarding Claim 13, Moon et al. discloses the limitation of the packet communication apparatus (column 1, lines 25 - 29) according to claimed wherein said controller comprises: a control channel power controller (Fig. 1, elements 127, 131, 129) that, in response to a determination that the quality of the transmitting packet signal is deteriorated (column 16, lines 46 - 47), performs transmit power control on only a control channel portion of those among the plurality of transmission units that are transmitted after the determination (column 17, lines 36 - 43), based on the transmit power control information received after the determination; and a data channel power controller that: halts the transmit power control on a data channel portion of those among the plurality of transmission units that are transmitted after the determination (column 19, lines 31 - 36); and based on a transmit power of the control channel portion of a last transmission unit of the transmitting packet signal, sets the transmit power of the data channel portion of the beginning transmission unit of the next transmitted packet signal (column 19, lines 52 - 57).

Regarding Claim 14, Moon et al. discloses the limitation of The packet communication apparatus (column 1, lines 25 - 29) according to claimed wherein said

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determiner determines that the quality of the transmitting packet signal at the communication end has deteriorated below the predetermined quality level (column 19, lines 19 – 22) when the transmit power control information, to the effect of increasing a transmit power, is successively received a predetermined number of times (column 19, lines 9 – 19).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al. (U.S. Patent No. 6831910 B1) in view of Saifuddin (U.S. Patent No. 6801759 B1).

Regarding Claim 12, Moon et al. discloses the limitation of a packet communication apparatus (column 1, lines 25 – 29). Moon et al. does not disclose expressly according to claimed further comprising: a storage that stores the transmit power control information received after the determination, wherein: said controller reflects said transmit power control information stored in said storage on the beginning transmission unit of the next transmitted packet signal collectively. Saifuddin discloses the limitation of claimed further comprising: a storage that stores the transmit power

control information received after the determination (column 4, lines 17 – 26), wherein: said controller reflects said transmit power control information stored in said storage on the beginning transmission unit of the next transmitted packet signal collectively (column 4, lines 27 – 31). It would have been obvious to modify Moon et al. to include a storage that stores the transmit power control information received after the determination (column 4, lines 17 – 26), wherein: said controller reflects said transmit power control information stored in said storage on the beginning transmission unit of the next transmitted packet signal collectively such as that taught by Saifuddin in order to provide memory storage operative to receive and store a first power control indicator having an associated first step size.

Conclusion

10. Applicant's arguments with respect to claims 11 – 15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL 15 Dec 2004

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Ajit Patel
Primary Examiner